

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE LAUGHLIN PRODUCTS, INC., : MDL Docket No. 1498
PATENT LITIGATION :
: ALL CASES

MOTION TO STAY

This is an action between Laughlin Products, Inc., the owner of U.S. Patent No. 5,922,333 which claims a method of spray applying sunless tanning solutions onto the human body, Hollywood Tanning Systems, Inc., the manufacturer of the Instant Tan sunless tanning booth, and various users and distributors of the Instant Tan sunless tanning booth. The parties have asserted various claims, including infringement of the '333 patent and invalidity of the '333 patent.

In an effort to simplify this litigation, Laughlin Products has filed (in the United States Patent and Trademark Office ("the PTO")) a Request for Reexamination of the '333 patent in view of prior art that was not considered by the PTO during the prosecution of the patent application that issued as the '333 patent. The purpose of the reexamination is to address the technical question of validity, thereby allowing the PTO to make a determination that will simplify this litigation, facilitate discovery, reduce costs to both parties, and encourage settlement. Therefore, Laughlin Products asks that the Court stay the litigation during the pendency of the PTO's reexamination of the '333 patent.

Dated: February 24, 2003

Respectfully submitted,

Michael A. O'Neil
TX Bar No. 15285000
Justin B. Kimble
TX Bar No. 24036909
MICHAEL A. O'NEIL, P.C.
5949 Sherry Lane, Suite 820
Dallas, TX 75225
(214) 739-0088
(214) 739-8284 facsimile

Kevin R. Casey
RATNERPRESTIA
Suite 301
One Westlakes, P.O. Box 980
Valley Forge, Pennsylvania
(610) 407-0700
(610) 407-0701 facsimile

CERTIFICATE OF CONFERENCE

I hereby certify that on the ___ day of February, 2003 a representative of this office conferred with opposing counsel about the merits of this motion and opposing counsel indicated that he is opposed.

Michael A. O'Neil

CERTIFICATE OF SERVICE

I hereby certify that on the __ day of February, 2003 the foregoing Motion to Stay was served upon the following via federal express and first class mail.

Jonathan M. Korn
Blank Rome LLP
Woodland Falls Corporate Park
210 Lake Drive East, Suite 200
Cherry Hill, NJ 08002-1164

Michael A. O'Neil